

ASSEMBLY BILL

No. 793

**Introduced by Assembly Members Jones and Brownley
(Coauthors: Assembly Members Lieu and Saldana)**

February 26, 2009

An act to add Section 355.5 to the Code of Civil Procedure, relating to employment discrimination.

LEGISLATIVE COUNSEL'S DIGEST

AB 793, as introduced, Jones. Employment: discrimination.

Existing law contains provisions that define unlawful discrimination and employment practices and establish procedures for an employee who has suffered discrimination or other unlawful practices, as defined, to file a complaint with the Fair Employment and Housing Department, or under certain circumstances, to bring a civil action against his or her employer.

This bill would specify when a cause of action for unlawful discrimination or unlawful employment practice with respect to compensation accrues for determining whether a complaint was filed within statutory deadlines.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 355.5 is added to the Code of Civil
- 2 Procedure, to read:
- 3 355.5. (a) For the purpose of filing a claim or complaint for
- 4 any unlawful employment practice with respect to compensation,

1 including, but not limited to, discrimination claims and Labor Code
2 violations, a cause of action accrues when any of the following
3 occurs:

4 (1) A compensation decision or other practice is adopted.

5 (2) An individual becomes subject to a compensation decision
6 or other practice.

7 (3) An individual is affected by the application of a
8 compensation decision or other practice, including each time when
9 wages, benefits, or other compensation is paid, resulting in whole
10 or in part from the compensation decision or other practice.

11 (b) When an administrative complaint is filed, a complainant
12 may challenge similar or related instances of unlawful employment
13 practices occurring after the administrative complaint has been
14 filed without the necessity of filing another administrative
15 complaint.

16 (c) It is the intent of the Legislature in enacting this section to
17 construe and clarify the meaning and effect of existing law and to
18 reject the interpretation given to federal law by the United States
19 Supreme Court in *Ledbetter v. Goodyear Tire & Rubber Co.* (2007)
20 550 U.S. 618.